

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 5902 of 2005

Between:

- 1 Valmiki Ramanjaneyulu S/o. Narayana,
R/o. Srisailam, Kurnool District.
- 2 Talari Baleeswar S/o. Narayana,
R/o. Srisailam, Kurnool District.

..... PETITIONERS

AND

- 1 The District Collector, Kurnool District.
- 2 The Revenue Divisional Officer, Kurnool, Kurnool District.
- 3 The Mandal Revenue Officer, Srisailam Mandal, Kurnool District.
- 4 Pasupula Eswaraiah S/o. Yellaiah
Labour Colony, Srisailam, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, preferably in the nature of Writ of Mandamus declaring the impugned orders of 1st respondent District Collector vide Proceedings No. R.Dis (E1) 3496/2003 dt. 20-12-2004 by canceling the house site patta of Plot No. 116 granted to the 1st petitioner without any notice, opportunity and enquiry and further action of re- allotting Plot No.116 to the 2nd Petitioner by allotting the 2nd petitioner Plot No. 115 to 4th respondent only by colluding with the 4th respondent with a *mala fide* intention and for ulterior reasons as illegal, arbitrary highly unwarranted in gross violation of principles of natural justice, violative of article 14,19,21 & 300-A of Constitution of India and consequently set aside the above stated impugned proceedings of the 1st and 3rd respondents.

Counsel for the Petitioner:MR.K.RATHANGA PANI REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the admission stage made the following :

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

This writ petition is filed seeking a Mandamus declaring the impugned Orders passed by the 1st respondent/District Collector, vide proceedings No.R.Dis (E1) 3496/2003, dated 20-12-2004, by cancelling the house site pattas in plot No.116 of the first petitioner and plot No.115 of the 2nd petitioner, in favour of third parties, as arbitrary and illegal.

2. The grievance of the petitioners is that before passing the impugned Orders, no notice of any kind was issued to them, or, any enquiry was conducted in their presence. Therefore, the impugned Orders are passed behind their back. Though, a detailed counter affidavit has been filed, *inter alia*, stating that the petitioners are not residing in the plots, which were allotted to them, it is not the case of the respondents that any notice has been issued to the petitioners or the petitioners are called for any enquiry at any point of time. This itself would

show that the impugned Orders were passed without there being any notice issued to the petitioners. Therefore, the impugned Orders passed are in utter violation of principles of natural justice. It is not the case that the petitioners were not allotted with the plots held by them earlier. The only case is that the petitioners are not residing in the said plots whereas the petitioners assert that they have already constructed the houses and living there.

3. In view of the above, the impugned Orders are set aside, leaving it open to the respondent authorities to conduct a fresh enquiry after putting the petitioners on notice and if necessary, by giving them an opportunity of oral hearing.

4. With the above direction, the writ petition is disposed of. No costs.

19th April, 2005.

CC in two days.

(B/o SMR)

To

- 1 The District Collector, Kurnool District.
- 2 The Revenue Divisional Officer, Kurnool, Kurnool District.
- 3 The Mandal Revenue Officer, Srisailam Mandal, Kurnool District.
- 4 Pasupula Eswaraiah S/o. Yellaiah
Labour Colony, Srisailam, Kurnool District.
5. Two CCs to G.P for Revenue, High Court Buildings,
Hyderbabad(OUT).
6. Two CD copies.

